

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Susan Upton Douglass

March 24, 2017

BY EMAIL

Mr. Sonny Salt (sonny@raidersfancast.com)

Mr. Josh Murphy (josh@raidersfancast.com)

Re: Infringement of the FANCASTER trademark (Our Ref: FCAS AAC-0900651)

Dear Sonny and Josh:

We represent Fancaster Inc. in trademark and unfair competition matters. We are in receipt of the correspondence between our client and you regarding your unauthorized use of the mark RAIDERS FANCAST on your website and social media pages:



Please be advised that the FANCASTER trademark, Reg. No. 153885, was registered on the Principal Register in 1989 and was last renewed in 2009. The fact that the mark was registered on the Principal Register means that the FANCASTER mark was determined by the US Patent and Trademark Office to be inherently distinctive. Moreover, the mark has become incontestable due to the filing under Section 15 of the Trademark Act.

The enforceability of Fancaster Inc.'s rights in the FANCASTER mark was affirmed in the case against Comcast, in which Comcast ceased use of the FANCAST mark, and our client received a favorable settlement.

You are making prominent use of the FANCAST mark as shown above. There is simply no justification for your unauthorized use of the FANCAST mark, in violation of Fancaster Inc.'s rights in its long used and federally registered mark FANCASTER.

A finding of trademark infringement is not dependent on your intentions to capitalize on the goodwill created by Fancaster, Inc., nor is it excused because you make no money or

March 24, 2017

Page 2

your infringing activities are merely a hobby. The Trademark Act does not create exemptions in such circumstances.

Our client has no objection to your promotional activities related to the Oakland Raiders. You are most welcome to continue them, although you must use a name that is not confusingly similar to FANCASTER; the mark FANCAST, which is confusingly similar, must be dropped.

You say that you are respectful of the trademark rights of others, and we take you at your word. There is nothing to be gained from escalating cases. Once this happens, the results for the defendant are invariably less advantageous than if the defendant simply walked away at the beginning.

As our client indicated to you by telephone on March 22, 2017, at this stage you can simply change the name without financial consequence; we urge you to do so at your earliest convenience, not later than **April 18, 2017**.

We note that you secured the domain name raidersfancast.com just a few days ago, on March 19, 2017. This name must be deactivated. All use of the Fancast name on websites, social media sites, and any other materials must be promptly discontinued.

This letter is without prejudice to the rights and remedies of Fancaster Inc., all of which are expressly reserved.

Thank you for your anticipated cooperation in bringing this matter to a prompt and amicable resolution.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

CC: Fancaster, Inc. (Trademarks@fancaster.com)